

SENATE JOURNAL

Forty-third Legislature—Second Called Session.

FIRST DAY.

Senate Chamber,
Austin, Texas,
January 29, 1934.

The Senate met at 12 o'clock noon, pursuant to the call of the Governor, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
O'Neal.	Woodward.
Pace.	

Absent.

Beck.	Holbrook.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Stone.
Fellbaum.	Woodul.

Prayer by Rev. W. H. Doss.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Secretary: Bob Barker.
Journal Clerk: Wendell O'Neal.
Sergeant-at-Arms: Captain A. W. Holt.
Doorkeeper: W. J. J. Terrell.
Chaplain: Rev. W. H. Doss.

Senators Excused.

The following Senators were excused for the week on account of important business:

Senator Rawlings, on motion of Senator Small.

Senator Stone, on motion of Senator Hopkins.

The following Senators were excused for the week on account of illness:

Senators Fellbaum and Holbrook, on motion of Senator Poage.

Senator DeBerry, on motion of Senator Neal.

On motion of Senator Patton, Senator Woodul was excused for the day on account of important business.

On motion of Senator Redditt, Senator Cousins was excused for the week on account of the illness of his wife.

Senators Beck, Duggan and Regan were excused for the day on account of important business, on motion of Senator Moore.

Proclamation of the Governor.

The Chair laid before the Senate the following proclamation of the Governor:

Proclamation by the Governor of the State of Texas.

To All to Whom These Presents Shall Come:

I, Miram A. Ferguson, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of this State hereby call a Special Session of the Forty-third Legislature to be convened in the City of Austin, commencing at twelve o'clock noon on Monday the twenty-ninth day of January, A. D. 1934, for the following purposes:

1. To pass such law or laws as may be necessary to issue and sell the remaining bonds proposed and permitted under the constitutional amendment of the State adopted by the voters of Texas at an election duly held on the twenty-sixth day of August, 1933, for the purpose of affording relief to the unemployed and indigent persons of the State.

2. To pass such law or laws as will grant relief in certain cases during the present emergency and depression from inequitable fore-

closure of mortgages on real estate and execution sales of real estate and for postponing certain sales and for extending the periods of redemption from certain others, and relating to the jurisdiction and procedure for such relief and for the right to possession during the extended period and for limiting the right to maintain actions for deficiency judgment and for extending the expiration of certain periods of redemption by moratorium provisions.

3. To consider and act on such other subjects and questions as I, as Governor, may from time to time during said called session submit by message or otherwise to the Legislature.

The Secretary of State will hereby take notice of this action and notify the members of the Legislature.

Done at Austin, Texas, this twenty-fifth day of January, A. D. 1934, under the seal of the State properly attested by the Secretary of State.

MIRAM A. FERGUSON,
Governor of Texas.

Attest:

W. W. HEATH,
Secretary of State.

The proclamation was read.

President Pro Tem.

The Chair recognized Senator Parr who nominated Senator Rawlings for President Pro Tem.

The nomination was seconded by Senators Woodward, Purl and Sand-erford.

The Chair appointed Senators Parr, Woodward and Purl as tellers to collect and tabulate the votes.

The tellers announced the following results:

Senator Rawlings, 21 votes.

The Chair declared Senator Rawlings duly elected President Pro Tem of the Senate for the Second Called Session of the Forty-third Legislature.

Senate Simple Resolution No. 1.

Senator Redditt sent up the following caucus report:

Senate Chamber,

Austin, Texas, Jan. 29, 1934.

Hon. Edgar E. Witt, Lieutenant Governor:

At a caucus held in the office of the Senate attended by 21 members

of the Senate the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing Second Called Session of the Forty-third Legislature and at the salaries set opposite their names:

Secretary of the Senate: Bob Barker, \$10.00 per day.

Journal Clerk: Effie Wilson-Waldron, \$6.00 per day.

Assistant Journal Clerk: Melford S. Dickerson, \$4.50 per day.

Sergeant-at-Arms: A. W. Holt, \$6.00 per day.

Calendar Clerk: Mrs. Martha Turner, \$6.00 per day.

Engrossing and Enrolling Clerk: Miss Essie McGinnis, \$6.00 per day.

Chaplain: Rev. W. H. Doss, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman thereof, such employee to receive \$5.00 per day.

It is further recommended that each Senator and the Lieutenant Governor and the Secretary of the Senate be permitted to name one employee of the Senate in addition to their private secretary; that the names of such employees be referred to a committee of five senators appointed by the chairman of the caucus, said committee to be authorized to select from said employees all employees in the engrossing and enrolling room and other departments of the Senate and to assign said employees to their proper places of employment; said employees so named by the Senators and the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$4.50 per day, if only one employee performs the service. But if more than one is so employed to fill one position the salary shall be \$5.00, to be divided among the employees as recommended by the Senator naming the employees.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus, are confirmed.

The salaries of the porters to be \$2.50 per day, except the head por-

ter, whose salary shall be \$3.50 per day, and the salaries of the pages shall be \$2.50 per day, and the salaries of the messengers shall be \$2.50 per day, and the salary of the elevator operator shall be \$2.50 per day.

The Lieutenant Governor is requested to recommend that Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to some Senator or committee, shall report for duty at eight o'clock a. m. and one o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no person be employed by the Senate in any appointive capacity, except private secretaries, who at this time is a regular employee in any of the other governmental departments of the State or whose father, mother, husband or wife is at this time regularly employed by the State Government, and no person, other than a resident citizen of the State, shall be employed by the Senate in any capacity.

It is further recommended that the Lieutenant Governor, each senator, and the Secretary of the Senate be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties,

said expenses to be paid out of the contingent fund.

It is further recommended that 2500 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rentals not to exceed \$_____ per machine per month.

It is further recommended that the Secretary of the Senate be paid for his services rendered in advance of and in preparation for the convening of this, the Second Called Session of the Forty-third Legislature; that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased drawing compensation from his other employment; and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting, be allowed pay for their services, the per diem allowed each of the employees mentioned in this section be the same as fixed herein.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the pay roll account signed by the presiding officer and the Secretary of the Senate.

The chairman of the caucus named the following members of the Senate as the committee of five, as hereinabove mentioned:

Senators Woodward, Collie, Small, Pace, Redditt.

The committee of five hereinabove named shall have authority to employ P. B. X. operators at a per diem not to exceed \$4.50 per day.

It is further recommended that each Senator, and the Lieutenant Governor and the Secretary of the Senate be permitted to subscribe for three newspapers to be paid out of the contingent fund.

It is further recommended that the chairman of the Finance Committee shall have authority to employ a secretary for the Finance Committee and two additional employees of his own selection.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to the Sena-

tors and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the chairman of the committee of five Senators aforesaid the name of the employee selected, together with his or her postoffice address and a suggestion as to the special qualification of said employee.

It is further recommended that the names, place of residence and compensation of all employees be printed in the Journal, together with the name of the Senator responsible for the employment of his employee.

PARR, Chairman.

Read and adopted.

S. C. R. No. 1.

Senator Moore sent up the following resolution:

Whereas, The Forty-third Legislature has been convened into extraordinary session, and

Whereas, The business for which the session has been convened can and should be completed within ten days; and

Whereas, the citizens and taxpayers of Texas should not be subjected to the expense incident to a thirty-day session, due to the unwholesome economic condition that prevails.

THEREFORE BE IT RESOLVED, by the Senate, the House of Representatives concurring, that the date of adjournment of the Second Called Session of the Forty-third Legislature be and is hereby set for midnight February 7, 1934.

MOORE,
SMALL,
WOODWARD,
PURL.

The resolution was read.

Point of Order.

Senator Sanderford raised the point of order that a resolution relative to sine die adjournment was out of order at this time because the Senate was not properly organized, had not notified the Governor or the House that the Senate was ready for business, and had not been notified that the House was organized and ready for business.

By unanimous consent, the resolu-

tion was laid on the table subject to call.

Notification Committees.

On motion of Senator Woodward, the following committees were appointed:

To notify the House: Senators Woodward, Moore and Blackert.

To notify the Governor: Senators Sanderford, Martin and Hornsby.

Committee From the House.

A committee from the House appeared at the bar of the Senate, and, upon recognition by the Chair, Mr. Savage informed the Senate that the House was now organized and ready for business.

Notification Committee's Report.

The committee appointed to notify the Governor, appeared at the bar of the Senate, and, upon recognition by the Chair, Senator Hornsby informed the Senate that the committee had performed its duty.

The committee appointed to notify the House appeared at the bar of the Senate, and, upon recognition by the Chair, Senator Woodward informed the Senate that the committee had performed its duty.

Senate Simple Resolution No. 2.

Senator Collie sent up the following resolution:

Be it Resolved, That the Senate rules adopted and in force during the Regular Session of the Forty-third Legislature be and they are hereby adopted as the temporary rules for the Senate of the Second Called Session of the Forty-third Legislature and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate; provided, however, that the Senate rules during the Regular Session of the Forty-third Legislature relating to the time within which bills might be introduced and committee hearings thereon, shall not be applicable during this the Second Called Session of the Forty-third Legislature.

COLLIE.

Read and adopted.

Bills and Resolutions.

By Senator Redditt:

S. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of \$100,000.00 or so much

thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses and to pay the mileage and per diem of members and the per diem of officers and employees of the Second Called Session of the Forty-third Legislature; and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Hornsby:

S. B. No. 2, A bill to be entitled "An Act to amend Article 7336, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in October and November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted two per cent, and that current ad valorem taxes paid hereafter in December of each year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted one per cent; providing for the payment of current ad valorem taxes hereafter in monthly installments at option of taxpayer, not to exceed ten installments, the first installment of current ad valorem taxes hereafter to be paid by November 30th of each year, and providing that taxpayer paying in installments shall be given no discount and charged no penalty or interest if installments are paid continuously, and providing that break in continuous payment of installments shall operate to impose penalty for the monthly payments are resumed, together with interest; providing for graduated penalty on all current taxes not paid on February 1; providing methods of assessing penalty and interest; providing for the payment of delinquent taxes in installments; providing that the Comptroller of Public Accounts shall prescribe forms for tax rolls and receipts to be used by the county tax assessors and collectors of taxes; providing that all laws in conflict with this Act are repealed; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

Senate Simple Resolution No. 3.

Senator Purl sent up the following resolution:

Whereas, The Forty-third Legislature has been called into extraordinary session by the Chief Executive of this State for the purpose, among other things, to authorize the Texas Relief Commission to issue additional bonds, and

Whereas, Section 6 of S. B. No. 46 passed at the First Called Session of the Forty-third Legislature requires "... It shall be the duty of the Texas Relief Commission, through its chief auditor, to make monthly statements, duly itemized as to all moneys expended, showing to whom paid and for what said money was expended, such statement to be filed in the office of the Secretary of State and a copy with the State Comptroller." tional bonds; and

THEREFORE BE IT RESOLVED, That the Secretary of State and the State Comptroller be required to furnish the Senate such monthly statements as required by Section 6 of S. B. No. 46, and that the Secretary of the Senate shall give a receipt for said documents to be made available to the Senate of Texas in its deliberation on pending legislation pertaining to the issuance of bonds.

PURL.

The resolution was read.

On motion of Senator Purl, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

S. C. R. No. 1.

Senator Moore called up from the table S. C. R. No. 1.

The rule requiring resolutions to be referred to a committee before consideration was suspended by unanimous consent.

Senator Woodward moved to set the resolution as special order for 2 o'clock p. m., Wednesday.

The motion prevailed.

Senate Bill No. 1.

The Chair laid before the Senate the following bill:

S. B. No. 1, the mileage and per diem bill.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its second reading by the following vote:

Yeas—21.

Blackert.	Parr.
Collie.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Stone.
Fellbaum.	Woodul.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage by the following vote:

Yeas—21.

Blackert.	Parr.
Collie.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Stone.
Fellbaum.	Woodul.

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Parr.
Collie.	Patton.
Greer.	Poage.
Hopkins.	Purl.
Hornsby.	Redditt.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Holbrook.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Stone.
Fellbaum.	Woodul.

Adjournment.

On motion of Senator Purl, the Senate, at 1:04 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Telegram.

San Antonio, Texas, Jan. 29, 1934.
Lt. Gov. Edgar E. Witt, President of the Senate, Senate Chamber, Austin, Texas.

Senator Ernest Fellbaum has instructed me to convey to you and the members of the Senate his personal regrets in being unable to be with you today. The senator unexpectedly underwent an operation Saturday which will confine him for several days.

Respectfully,

E. S. FELLBAUM.

Galveston, Texas, Jan. 26, 1934.
Hon. Edgar E. Witt, Lieutenant Governor, Austin, Texas.

Dear Edgar: On account of pending business, it will probably be impossible for me to reach Austin until about Wednesday the 31st afternoon. Please excuse me for time out, and inform my Secretary, Mrs. Shirley, and members of the Finance Committee. With all good wishes, I am

Yours sincerely,

T. J. HOLBROOK.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 29, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making an appropriation to pay the contingent expenses, and the mileage and per diem of members and salaries and per diem of officers and employees of the Second Called Session of the Forty-third Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Acting Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas,

January 30, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.

Absent—Excused.

Beck.	Martin.
Duggan.	Rawlings.
Fellbaum.	Small.
Greer.	Woodul.
Holbrook.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Sanderford:

The Chair laid before the Senate S. B. No. 3, same having been set for special order on yesterday:

S. B. No. 3, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendor's lien and execution sales of real estate and providing for the postponement of certain sales, and providing for the temporary creation of a period of redemption of real estate following the forced sale thereof, and providing for the jurisdiction and procedure of such relief and for the right to possession during such redemption period, and limiting the right to maintain actions for deficiency judgments; and providing further for amending House Bill Number 231, Chapter 102, page 225, General Laws passed at the Regular Session of the Forty-third Legislature, State of Texas; and providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on the effective date hereof or which may be filed prior to January 1, 1936, or as otherwise provided herein may be postponed or continued and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sales or deeds of trust; providing for extensions under certain conditions; permitting appeals without requiring supersedeas bonds and setting forth the conditions to be complied with and the duties of the judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws; fixing a State policy, containing a saving clause; extending the time within which relief may be granted under the terms of said House Bill No. 231, and fix-